

# **EXHIBIT F**



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EXCLUSIVE OFFERS up to 15%  
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**FREE SHIPPING ON ALL ORDERS**

**SHOPPING CART**

**0 items**

**Checkout**

**CALL TO ORDER :**

**1-618-912-4165**

**MEMBER ACCOUNT :**

**Email:**

**Password:**

**New Account**

**PRODUCT CATEGORIES :**

**ABBA  
AMPHORA  
B&H  
BUSINESS CLUB  
CAMEL  
CAPRI  
DAVIDOFF  
DRUM  
DUNHILL  
GAULOISES  
GITANES  
GOLDEN AMERICAN  
GOLDEN GATE  
KENT  
KOOL  
L&M  
LUCKY STRIKE  
MARLBORO  
MILD SEVEN  
MONTE CARLO  
MORE  
PALL MALL  
PRINCE**



Marlboro Red King Size Hard  
Pack  
~~\$27.99~~  
\$23.99



6 Cartons of Business Club FF  
Box  
~~\$79.99~~  
\$76.99



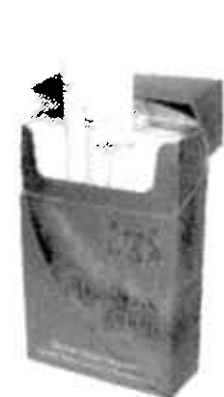
6 Cartons Marlboro Light King  
Box  
~~\$134.99~~  
\$132.99



6 Cartons Marlboro Red  
~~\$134.99~~  
\$132.99



Saiem Menthol Lights King Size  
Hard Pack  
~~\$27.99~~  
\$23.99



Business Club Lights King Box  
~~\$15.99~~  
\$14.99

**R-1**  
**ROTHMANS**  
**SALEM**  
**SILK CUT**  
**STATE EXPRESS 555**  
**VAN NELLE**  
**VICEROY**  
**VOGUE**  
**WEST**  
**WINSTON**  
**YVES SAINT LAURENT**



6 Cartons of Business Club Light  
Box  
~~\$79.99~~  
\$76.99



Business Club Full Flavor King  
Box  
~~\$15.99~~  
\$14.99



Salem Menthol King Size Hard  
Pack  
~~\$25.99~~  
\$23.99



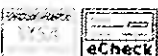
More Menthol 120 mm  
~~\$31.99~~  
\$23.99



Camel Filter King Size Hard Pack  
~~\$27.99~~  
\$21.99

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All transactions in the site are SSL Secured. Buy cheap cigarettes safely. Cheap-smokes.biz offers you the ability to buy all your favorite discount cigarettes brands at a discount price. All our cheap cigarettes are of the best quality available. We do not ship low quality Russian made cheap cigarettes online as many other sites do. We do not sell cigarettes to anyone below the age of 18. Thank you for choosing to buy cheap cigarettes from Cheap-smokes.biz, your cheap cigarettes store.



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DAVIDOFF  
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GITANES  
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GOLDEN GATE  
KENT  
KOOL  
L&M  
LUCKY STRIKE  
MARLBORO  
MILD SEVEN  
MONTE CARLO  
MORE  
PALL MALL  
PRINCE

## ABOUT US

cheap-smokes.biz has been in the market of selling cigarettes on the Internet now for many years. All the products on our website are bought directly from the manufacturers, and are, therefore, of the highest quality, taste and freshness available online today.

As all our products are tax free, and we purchase them in extremely large amounts, we are able to pass all money savings on to our customers. Therefore, you can purchase genuine trademark brands at extremely low prices, and still be guaranteed to receive top quality goods.

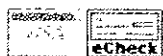
We pride ourselves on being one of the few companies who offer live support for our customers. When you call us, you will reach one of our highly trained agents, who will be happy to assist you in any way, whether it be to place your order or to answer an enquiry. Our Customer Support Team are available from 9.00a.m. to 11.00p.m. EST Monday to Friday, and 9.00a.m. to 3.00p.m. EST on Saturdays. You can reach us on: 1-618-912-4165. We also offer 24 hour email support.

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**R-1  
ROTHMANS  
SALEM  
SILK CUT  
STATE EXPRESS 555  
VAN NELLE  
VICEROY  
VOGUE  
WEST  
WINSTON  
YVES SAINT LAURENT**

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DAVIDOFF  
DRUM  
DUNHILL  
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GITANES  
GOLDEN AMERICAN  
GOLDEN GATE  
KENT  
KOOL  
L&M  
LUCKY STRIKE  
MARLBORO  
MILD SEVEN  
MONTE CARLO  
MORE  
PALL MALL  
PRINCE

## FREQUENTLY ASKED QUESTIONS

FAQ Information

**Why do emails sent to me not arrive?** - Friday 31 August, 2007

Viewed:5

Dear users of AOL.com and COX.net e-mails!

You might not be getting our Customer Support e-mails due to some reasons (you blocked our e-mail address/it is tagged as a Junk mail or it is in your Spam folder/ AOL/COX is blocking your correspondent's provider from sending mail due to complaints of abuse, etc). Such problems affect our service because our communication can be blocked and we are not able to get in touch with you regarding your purchases. Therefore, please make sure our messages get through. For AOL users having problems with mail being delivered, we kindly advise to follow the links listed below for further assistance:

<http://postmaster.info.aol.com/faq/memberfaq.html#nomail>

<http://members.aol.com/adamkb/aol/mailfaq/>

For more help you may contact AOL/COX Customer support.

[\[Read More\]](#)

**What is an E-Check?** - Wednesday 22 November, 2006

Viewed:159

For More information on what e-checks are, please [Click Here](#)

[\[Read More\]](#)

**What are my Payment options?** - Thursday 29 June, 2006

Viewed:306

We currently only accept E-Checks for all orders placed on cheap-smokes.biz.

[\[Read More\]](#)

**What are shipping times?** - Thursday 29 June, 2006

Viewed:211

We currently offer 2 shipping options:

1. Economy Airmail, order placed with economy airmail take between 10 and 21 business days to arrive from the date of shipment, With e-check it can take up to 7 business days, from placing your order.
2. Priority Airmail, orders placed with priority airmail take between 5 and 10 business days to arrive from the date of shipment. With e-check it can take up to 7 business days, from placing your order

[\[Read More\]](#)

**What are the shipping costs?** - Thursday 29 June, 2006

Viewed:189

Economy airmail is free

Priority Airmail costs \$1.99 per carton of cigarettes ordered.

[\[Read More\]](#)

**R-1  
ROTHMANS  
SALEM  
SILK CUT  
STATE EXPRESS 555  
VAN NELLE  
VICEROY  
VOGUE  
WEST  
WINSTON  
YVES SAINT LAURENT**

**Is it safe to send you my E-Check details?**- Thursday 29 June, 2006

Viewed:138

**Yes. The site is certified and implements a 128 Bit SSL system**

[Read More]

**Can I pay by postal?**- Thursday 29 June, 2006

Viewed:122

**No. You can only pay by automatic e-check.**

[Read More]

**Can I place an order by phone?**- Thursday 29 June, 2006

Viewed:146

**Yes, to place an order by phone, please call us on: 1-618-912-5165.**

[Read More]

**Are the cigarettes sold at cheap-smokes first choice?**- Thursday 29 June, 2006

Viewed:240

**All cigarettes sold at cheap-smokes.biz are first choice cigarettes, that are manufactured under the strictest regulations, by all of the original manufacturers, within the EU or USA.**

[Read More]

**What is your delivery process after placing an order?**- Thursday 29 June, 2006

Viewed:150

**Once an order is placed with us, it takes up to 7 days to process, after it has been processed, we then send the data to the warehouse. Once the warehouse receives the information it requires to ship your order, it then packs the orders in batches. Once a batch is fully packed, it is then sent to our logistics centre, and then is sent out either via priority airmail, or through economy airmail. Orders shipped via economy airmail take between 10 and 21 business days to arrive, orders sent priority airmail take between 5 and 10 business days to arrive**

[Read More]

**What if I have ordered and still have not received the goods?**- Thursday 29 June, 2006

Viewed:145

**If you ordered your cigarettes to be sent via economy airmail, please allow up to a maximum of 35 business days for them to arrive, if they have not arrived in this time, please feel free to contact us either via e-mail or call us on 1-618-912-4165, and we will arrange for compensation on your order. If you ordered your cigarettes Priority airmail, and have not received them within a maximum of 14 business days, please contact us either via e-mail or call us on 1-618-912-5165, and we will arrange for compensation on your order.**

[Read More]

**What if I ordered six cartons and received only three?**- Thursday 29 June, 2006

Viewed:117

**We dispatch the cartons through Priority Air Mail. In case of multiple cartons we pack them as separate shipments. Generally, cartons are sent individually. We mail the cartons at the same time but their arrival dates may vary. It may take from two to three days for the full delivery to be executed.**

[Read More]

**What is Priority Air Mail?**- Thursday 29 June, 2006

Viewed:122

**Priority airmail packages are sent out as priority packages, and once these packages reach the post office, they are sent on the next available transport to the US. These orders arrive extremely fast, and are recommended for all of our customers.**

[Read More]

**Do you send the ordered pack by courier services (e.g. DHL)?**- Thursday 29 June, 2006

Viewed:132

**No. We are working with the Priority Air Mail only, and our service is fast and reliable.**

[Read More]

**Do you sell cigarette brands other than those on your website?**- Thursday 29 June, 2006

Viewed:118

**No, the cigarettes listed on our pages are the only cigarettes we currently sell. However we do sometimes receive new cigarettes to sell, so therefore it is best for you to continually check the website for the brands that you are looking for, if we do not currently have, we may have it sometime in the future.**

[Read More]

**Can I resell cigarettes offered by you?**- Thursday 29 June, 2006

Viewed:187

**The answer is a definite NO. All cigarettes we sell are for personal use only, any other uses for our cigarettes would make them liable for duty taxes under the regulations laid out by CBP.**

[Read More]

**Why are the prices of your cigarettes so competitive?**- Thursday 29 June, 2006

Viewed:114

**We purchase cigarettes in bulk, enabling us to negotiate lower prices with our suppliers, these savings we make are directly passed on to you, with our great prices we offer on all of our cigarettes.**

[Read More]

**Are your cigarettes cheaper than ones sold duty free in airports?**- Thursday 29 June, 2006

Viewed:138

**We do not have the high running costs that Airport duty free stores have, allowing us to save money in areas where they can not, therefore we can offer you great prices on all of our cigarettes**

[Read More]

**Can I buy cigarettes by international mail?**- Thursday 29 June, 2006

Viewed:181

**Yes, any product purchased from an international company, as long as it complies with US Customs and Border Protection, and is imported for personal use only. To comply with US customs and Border Protection, each carton of cigarettes that is ordered is shipped in its own specially made box. This ensures that the value of the package will not exceed the limits laid out by CBP, and also the quantity will not exceed limitations stated by CBP. Also in compliance with CBP laws, the contents of the package are stated on the outside of the package**

[Read More]



**Can cigarettes by mail be sold without import stamps?** - Thursday 29 June, 2006 Viewed:131

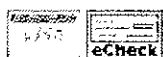
**As long as cigarettes are sold from a BONDED WAREHOUSE, they may be sold without import stamps, and may also carry the wording Duty Free Sale Only on the packaging of the cigarettes.**

[Read More]

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## SHOPPING CART

0 items

## Checkout

CALL TO ORDER :

1-618-912-4165

MEMBER ACCOUNT :

Email: \_\_\_\_\_

Password: \_\_\_\_\_

OK

## New Account

## PRODUCT CATEGORIES :

ABBA  
AMPHORA  
B&H  
BUSINESS CLUB  
CAMEL  
CAPRI  
DAVIDOFF  
DRUM  
DUNHILL  
GAULOISES  
GITANES  
GOLDEN AMERICAN  
GOLDEN GATE  
KENT  
KOOL  
L&M  
LUCKY STRIKE  
MARLBORO  
MILD SEVEN  
MONTE CARLO  
MORE  
PALL MALL  
PRINCE

## LEGAL INFO

Am I legally allowed to buy from you?

Yes, provided that you're at least 21 years of age (or of the legal age required to purchase cigarettes within your state).

Please Note: Any cigarettes purchased on our site are solely for personal use, any other use is prohibited according to the protocol which the US CBP enforces.

How do you protect my Credit Card Information?

We know that you may have concerns about the safety of your credit card and personal details when ordering through the Internet. That's why we're a secured site and use 128 bit RSA encryption (the same as Amazon.com, Starbucks, Bank of America, etc.)

All products and services, displayed in the internet-shop [www.cheap-smokes.biz](http://www.cheap-smokes.biz), are accepted for payment via VISA credit cards by 'TELETRANSINFO' SRL, [legal] address: 40 Lazo str., Chisinau, Moldova, through a protected URL <https://secure.e-centru.com>. For security purposes, the card numbers are not kept by the company.

How do you protect my personal information?

We are required by law not to disclose, under all circumstances, consumer data to any entity, individual, corporation, foreign government or foreign government authority regardless of claim. In short, we go to the greatest lengths humanly possible to keep your information both secure, and private.

Please note: Any cigarette retailers that are based within the United States are required under Title 15, chapter 10A of the US Code (Jenkins Act) to supply all information regarding customers who have purchased cigarettes from them, or they will face either a fine or jail sentence. As we are based outside of the US, we do not fall under the US Code, or any laws that are applicable through it, and therefore will never report you for any reason to any government or its agencies.

If you receive a notice to pay duty tax, reject the packages, and DO NOT sign the receipt for your package and it will be returned to our warehouse.

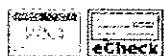
Once your package returns to the warehouse, a full refund for the value of these packages will be issued to you.

Continue

**R-1  
ROTHMANS  
SALEM  
SILK CUT  
STATE EXPRESS 555  
VAN NELLE  
VICEROY  
VOGUE  
WEST  
WINSTON  
YVES SAINT LAURENT**

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0 items

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MEMBER ACCOUNT :

Email:

Password:

OK

[New Account](#)

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ABBA  
AMPHORA  
B&H  
BUSINESS CLUB  
CAMEL  
CAPRI  
DAVIDOFF  
DRUM  
DUNHILL  
GAULOISES  
GITANES  
GOLDEN AMERICAN  
GOLDEN GATE  
KENT  
KOOL  
L&M  
LUCKY STRIKE  
MARLBORO  
MILD SEVEN  
MONTE CARLO  
MORE  
PALL MALL  
PRINCE

## SHIPPING & RETURNS

All of the cigarettes shipped from cheap-smokes.biz are sent through international airmail, and comply with International mail regulations in regard to the sale and shipping of duty-free products to the United States of America.

Each carton ordered on cheap-smokes.biz is sent in its own package, this ensures that the restrictions that apply to weight and value for duty free products is not surpassed. This ensures that you will not be required to pay Duty Tax on your cigarettes. Although every carton is packaged separately, they are shipped to you on the same day. This does not necessarily mean that you will receive all cartons that you have ordered at once. It can take up to 10 days after the first carton is received to receive a full order of more than one carton.

We offer two different types of airmail shipping:

Economy Airmail, economy airmail can take anywhere from 14 to 21 Business days, from date of shipment, to receive your order. Economy airmail is free for all orders.

Priority airmail, priority airmail takes from 5 to 10 business days, from date of shipment, for you to receive your order. Priority airmail is optional for all orders and costs \$2.49 per carton ordered.

Shipment times are from the day your order is shipped. Orders are shipped once they are fully funded, with e-check this can take 5 to 7 business days.

Please remember to include your full shipping address when filling out the order form, to ensure that you receive your cigarettes as fast as possible.

If you are told to pay duty taxes on any of your packages, please refuse receipt. These packages will then be returned to us. Upon receipt of the returned package in our warehouse, we will credit you the full value of the packages we receive.

If for any reason you wish to return any of the cigarettes ordered, please return the full carton of cigarettes to us. If you have to pay for your cigarettes to be returned, please fax us a copy of your receipt from the post office. Once we receive the faxed copy of the receipt from you, we will refund the full value of the products returned, and all additional shipping charges you have paid.

To obtain more information on how you can return your cigarettes, please call us on:  
1-618-912-4165.

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**R-1  
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STATE EXPRESS 555  
VAN NELLE  
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## LET'S SEE WHAT WE HAVE HERE

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[New Account](#)

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L&M  
LUCKY STRIKE  
MARLBORO  
MILD SEVEN  
MONTE CARLO  
MORE  
PALL MALL  
PRINCE



6 Cartons Marlboro  
Light King Box

~~\$134.99~~ \$132.99

[Buy Now](#)

[Add to cart](#)



6 Cartons Marlboro  
Red

~~\$134.99~~ \$132.99

[Add to cart](#)



Marlboro Menthol  
Lights King Size  
Hard Pack

\$23.99

[Add to cart](#)

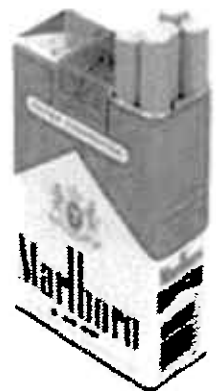
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**SILK CUT**  
**STATE EXPRESS 555**  
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**VICEROY**  
**VOGUE**  
**WEST**  
**WINSTON**  
**YVES SAINT LAURENT**



Marlboro Menthol  
Lights King Size  
Soft Pack

\$23.99

**Add to cart**



Marlboro Red 100  
Box

\$24.99

**Add to cart**



Marlboro Red King  
Size Soft Pack

\$23.99

**Add to cart**



Marlboro Red King  
Size Hard Pack

~~\$27.99~~ \$23.99

**Add to cart**



Marlboro Red King  
Size Hard Pack  
Made in Europe

\$28.99

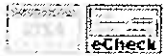
**Add to cart**

Displaying 1 to 8 (of 8 products)

Result Pages: 1

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DAVIDOFF  
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GITANES  
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KENT  
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L&M  
LUCKY STRIKE  
MARLBORO  
MILD SEVEN  
MONTE CARLO  
MORE  
PALL MALL  
PRINCE

## CONTACT US

Call To Order : 1-618-912-4165

Email: [info@cheap-smokes.biz](mailto:info@cheap-smokes.biz)

CPA Pro Market Ltd.

56, Makarios

P.O.BOX 57386

Limassol

Cyprus

Please select a department you would like to get in contact with:

☐ Sales

Full Name:

E-Mail Address:

Subject:

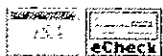
Enquiry:

**R-1  
ROTHMANS  
SALEM  
SILK CUT  
STATE EXPRESS 555  
VAN NELLE  
VICEROY  
VOGUE  
WEST  
WINSTON  
YVES SAINT LAURENT**

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## **EXHIBIT G**



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Address: http://www.buy-cigs-online.com/

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Search Favorites

CRM Intranet WIREX WIREMAIL

## PAYLESS SMOKE

Why Pay More When You Can Pay Less

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**SHOPPING CART**

0 Items

Checkout

**CALL TO ORDER:**

678-918-1986

**ONLINE HELPDESK:**

Click for Details!!!

**MEMBER ACCOUNT:**

Email:

Password:

New Account

**PRODUCT CATEGORIES:**

ABBA  
ANTHORA  
B&H  
BUSINESS CLUB  
CAMEL  
CAPRI

1. Cartons of ABBA Lights  
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\$29.99

98. Cartons of ABBA Lights  
Box  
\$22.99  
\$29.99

99. Cartons of ABBA Lights  
Box  
\$22.99  
\$29.99

100. Cartons of ABBA Lights  
Box  
\$22.99  
\$29.99

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**Buy cigarettes**

Our TAX free cigarettes meet the **highest standards** for freshness and quality and are the same cigarettes sold in all duty-free international airports.

**NO MORE** shipping problems.

We ensure prompt reliable delivery via UPS or US Postal Service in 3-5 days. All orders are shipped within 48 hours.

Orders are placed in a crushproof box, then in a padded envelope with shipping and customs forms affixed.


**100% money-back guarantee.** If for any reason you wish to return your order, we will refund the cost of the cigarettes. Why not give us a try - you have nothing to lose!

All cigarettes are **Made In USA.**

Our Specials: Mailbox \$26 per carton, Parliament \$26, Newport \$24, Kent \$23. Pall Mall \$20, Native - \$12.

**Supplier of tax free cigarettes to North America since June 2000. The oldest tax free store in the NET.**

**WE SHIP TO NY, CA, OR, WA, MA and ME,**  
only our store accepts Visas for that states! All other states are also welcome!

 YESsmoking.com

Done Internet



# **EXHIBIT H**



BEST AVAILABLE COPY

TRADE-MARK

No. 68,502.

REGISTERED APR. 14, 1908.

PHILIP MORRIS & CO., LTD.

CIGARETTES.

APPLICATION FILED OCT. 11, 1907.

MARLBORO

*Proprietor*

*Philip Morris & Co., Ltd.*

*by Arthur J. Becker*

*Attorney*

**REPUBLISHED**

Under Sec. 12 (c) 1946 Act

AFFIDAVIT SEC. 8  
ACCEPTED

AFFIDAVIT SEC. 16

RECEIVED 3-30-54

MAR 22 1945

OLIVE CIGARETTES. Registered April 14, 1908.  
 PHILIP MORRIS & Co. Ltd. Registered April 14, 1908. In  
 Philip Morris & Co. Ltd. Incorporated, New York, N. Y.,  
 a Corporation of Virginia, assignee.

ESSEX CIGARETTES. Registered April 14, 1908. Philip  
 Morris & Co. Ltd. Registered April 14, 1908. In Philip  
 Morris & Co. Ltd. Incorporated, New York, N. Y., a cor-  
 poration of Virginia. CIGARETTES, Class 17.

**THIRD RENEWAL**

*Philip Morris Inc.*  
*New York, N.Y.*

**UNITED STATES PATENT OFFICE.**

PHILIP MORRIS &amp; CO. LTD. OF NEW YORK, N. Y.

**TRADE-MARK FOR CIGARETTES.**

No. 68,502.

Statement and Declaration.

Registered April 14, 1908.

Application filed October 17, 1907. Serial No. 28,544.

**STATEMENT.**

To all whom it may concern:

Be it known that Philip Morris & Co. Ltd., a corporation duly organized under the laws of the State of New York, and located in the city of New York, county of New York, in said State, and doing business at 100 West Broadway, in said city, has adopted for its use the trade-mark shown in the accompanying drawing, for cigarettes, in Class 17, Tobacco products.

The trade-mark has been continuously

used in the business of said corporation and in the business of its predecessor, Philip Morris & Co. Ltd., of London, England, since 1882.

The trade-mark is applied or affixed to the goods, or to the packages containing the same, by placing thereon a printed label on which the trade-mark is shown.

PHILIP MORRIS & CO. LTD.  
 ROBERT L. ALDRICH,  
*President.*

**DECLARATION.**

State of New York county of New York ss:

Herbert L. Aldrich, being duly sworn, deposes and says that he is the president of the corporation, the applicant named in the foregoing statement; that he believes the foregoing statement is true; that he believes said corporation is the owner of the trade-mark sought to be registered; that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use said trade-mark, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that said mark is used by said corporation in commerce among the several States of the United States; that the drawing present-

ed truly represents the trade-mark sought to be registered; that the specimen shows the trade-mark as actually used upon the goods; and that the mark has been in actual use as a trade-mark of the applicant for ten years next preceding the passage of the act of February 20, 1905, and that, to the best of his knowledge and belief, such use has been exclusive.

HERBERT L. ALDRICH.

Subscribed and sworn to before me this  
 10th day of January, 1908.

DAVID FISHER.

Notary Public, 127, Kings County,  
 City and County of New York.

# United States Patent Office

938,510  
Registered July 25, 1972

## PRINCIPAL REGISTER Trademark

Ser. No. 387,884, filed Mar. 30, 1971



Philip Morris Incorporated (Virginia corporation)  
100 Park Ave.  
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).  
First use 1883; in commerce 1883.  
Applicant disclaims the words "Filter Cigarettes" apart  
from the mark as shown.  
The drawing is filed to indicate the colors red and gold  
and these colors are used and claimed as a feature of the  
mark.  
Owner of Reg. Nos. 62,502, 854,007, and others.

Int. Cl.: 34

Prior U.S. Cl.: 17

United States Patent Office

Reg. No. 1,039,412

Registered May 11, 1976

**TRADEMARK**

Principal Register

**MARLBORO LIGHTS**

Philip Morris Incorporated (Virginia corporation)  
100 Park Ave.  
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).  
First use Aug. 25, 1971; in commerce Aug. 25, 1971.  
The word "Lights" is expressly disclaimed apart from  
the mark in its entirety.  
Owner of Reg. Nos. 61,502, 878,062, and others.  
Ser. No. 401,870, filed Sept. 2, 1971.

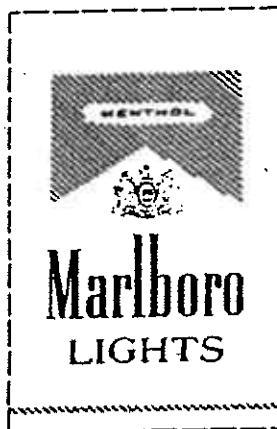
Int. Cl.: 34

Prior U.S. Cl.: 17

Reg. No. 1,544,782

United States Patent and Trademark Office Registered June 20, 1989

TRADEMARK  
PRINCIPAL REGISTER



PHILIP MORRIS INCORPORATED (VIRGINIA  
CORPORATION)  
100 PARK AVENUE  
NEW YORK, NY 10017

FOR: CIGARETTES, IN CLASS 34 (U.S. CL.  
17).

FIRST USE 3-2-1987; IN COMMERCE  
2-3-1987.

OWNER OF U.S. REG. NOS. 68,502, 1,189,524  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "LIGHTS", "MENTHOL" AND  
"INC.", APART FROM THE MARK AS SHOWN.

THE LINING IN THE DRAWING REPRESENTS THE COLOR GREEN, THE WORD "MENTHOL" IS IN GREEN AND THE CREST IS IN GOLD WITH THE INNER OVAL PORTION IN RED AND COLOR IS CLAIMED AS A FEATURE OF THE MARK.

THE DOTTED LINES ON THE DRAWING ARE NOT PART OF THE MARK AND SERVE ONLY TO SHOW THE POSITION OF THE MARK ON THE GOODS.

SER. NO. 689,962, FILED 10-16-1987.

ROGER KATZ, EXAMINING ATTORNEY

Int. CL: 34

Prior U.S. CL: 17

United States Patent and Trademark Office Reg. No. 1,651,628  
Registered July 23, 1991

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TRADEMARK  
PRINCIPAL REGISTER



PHILIP MORRIS INCORPORATED (VIRGINIA CORPORATION)  
100 PARK AVENUE  
NEW YORK, NY 10017

FOR: CIGARETTES, IN CLASS 34 (U.S. CL. 17).

FIRST USE 10-2-1989; IN COMMERCE 10-2-1989.

OWNER OF U.S. REG. NOS. 68,502, 1,544,782 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ULTRA LIGHTS", APART FROM THE MARK AS SHOWN.

THE DRAWING IS LINED FOR THE COLOR SILVER.

THE ENTIRE CREST DESIGN IS GOLD WITH THE EXCEPTION OF THE INNER CIRCLE WHICH IS RED WHEREIN THE WORD PM INC. APPEARS. PM INC. AND THE LATIN WORDS VENI, VIDI, VICI ARE WHITE. THE DOTTED LINES SURROUNDING THE MARK ARE USED TO SHOW THE POSITION OF THE MARK ON THE GOODS, AND NO CLAIM IS MADE THERETO.

THE ENGLISH TRANSLATION OF THE WORDS "VENI, VIDI, VICI" IN THE MARK IS "I CAME, I SAW, I CONQUERED."

SER. NO. 74-075,799, FILED 7-2-1990.

LISA L. KNIGHT, EXAMINING ATTORNEY

# **EXHIBIT I**

From: info@123smoke.com

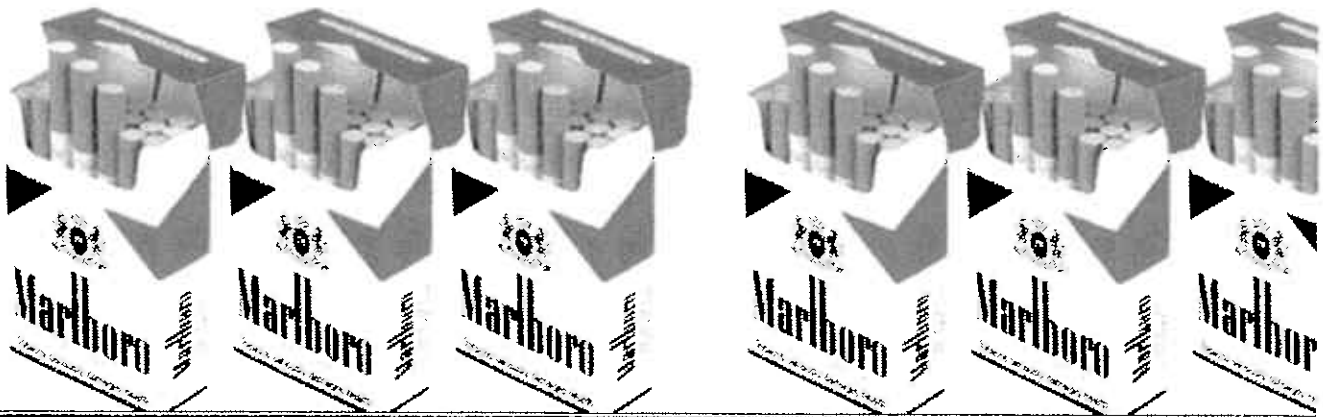
Sent: Wednesday, April 25, 2007 8:56 AM

To: **REDACTED**

Subject: This Year's Top Deal - Only From 123Smoke.Com

**123Smoke**  
We Make it Easy as 123

## 6 Cartons Marlboro Red King Box



Special Price Only: **\$99.00**

**CLICK HERE NOW TO BUY**

To unsubscribe, please reply to this e-mail with the subject: Unsubscribe



From: info@paylessmoke.com  
Sent: Wednesday, February 28, 2007 7:43 PM  
To: **REDACTED**  
Subject: Your online cigarette orders from Paylessmoke.com

**PAYLESSMOKE** SHOP  
*Why Pay More When You Can Pay Less*

Dear Valued Customer

**IMPORTANT - PLEASE READ**

We regret to advise you that due to added restrictions from Visa International, against processing tobacco orders, we can no longer accept Visa as a payment method. If and when we can offer this option again, we will not hesitate to let you know.

In order not to interrupt your order schedule, we strongly recommend you switch to paying by e-check. These are much more dependable, and your account information is just as secure as the Visa information you have used in the past.

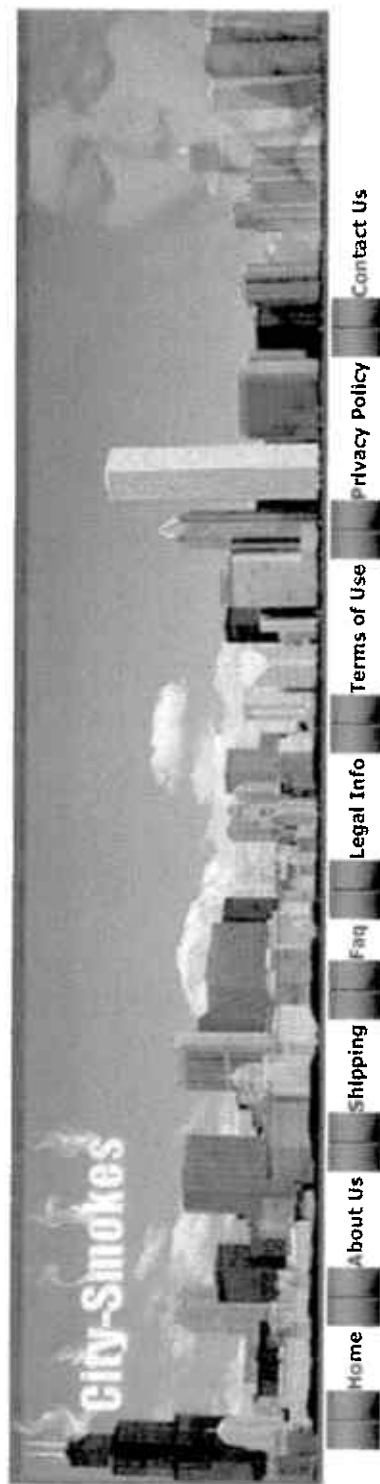
E-checks take a little longer to process, however, as you may have noticed recently, Visa orders took quite some time to process, as, due to security reasons, they were continually declined. In reality, less than 50% of Visa orders can be successfully processed.

With this in mind, the longer processing time is minimal, and you are, at least, assured that the charge will go through first time. E-check payment also carries a 7% discount, and carries the usual shipping times, high level of customer support and ensures you will still receive best quality, low priced products.

If you wish to receive more information regarding e-checks, please do not hesitate to contact our customer support team, and will be happy to answer any questions you may have.

Best Regards,  
Your Customer Support Team  
<http://www.paylessmoke.com>

## **EXHIBIT J**



## Quick Find

keywords



Advanced Search

## Call to Order

**678-389-9259**

## Categories

Abba  
Benson & Hedges  
Business Club  
Camel  
Capri  
Davidoff  
Doral  
Dunhill  
Gauloises  
Golden American  
Golden Gate  
Kent  
Kool  
L&M  
Lucky Strike  
Marlboro  
Mild Seven  
Monte Carlo

## 5-10 Business Days Express Shipping



More Red Regular  
120's  
~~\$26.99~~  
\$22.99

Marlboro Red  
Philippines King Size  
Hard Pack  
~~\$22.99~~  
\$22.99

Business Club Lights  
King Box  
~~\$13.99~~  
\$13.99

Email:

Password:



New Account

## Shopping Cart

0 items

## Bestsellers

01. Marlboro Lights Philippines King Size White Filter Hard Pack
02. Marlboro Red Philippines King Size Hard Pack
03. Marlboro Red King Size Hard Pack Made In Europe
04. Business Club Full Flavor King Box
05. Camel Regular Non-Filter Soft Pack
06. Business Club Lights King Box
07. Golden Gate Light King Size Hard Pack
08. Marlboro Red Philippines King Size Soft Pack
09. Camel Lights King Size Hard Pack
10. Winston King Size Hard Pack
11. Camel Filter King Size Hard Pack
12. Kool Menthol King Size Hard Pack

More  
Pall Mall  
Prince  
Rothmans  
Salem  
Silk Cut  
State Express SSS  
Viceroy  
Vogue  
Winston  
Yves Saint Laurent

**Manufacturers**

Please Select

**Specials**



More Red Regular 120 mm  
~~\$22.99~~  
\$22.99

**Affiliate Program**



Sign Up  
Today and  
earn 100%  
of CASING



Marlboro Red King Size  
Hard Pack Made in  
Europe  
~~\$22.99~~  
\$22.99



Camel Lights King Size  
Hard Pack  
~~\$20.99~~  
\$20.99



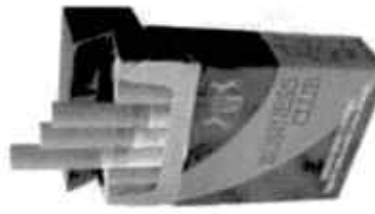
Salem Menthol King  
Size Hard Pack  
~~\$22.99~~  
\$22.99



Benson & Hedges  
Special Filter  
~~\$21.99~~  
\$21.99



Pall Mall Lights Filter  
King Size Hard Pack  
~~\$15.99~~  
\$15.99



Business Club Full  
Flavor King Box  
~~\$13.99~~  
\$13.99

- 13. Golden Gate King Size Hard Pack
- 14. Dunhill International
- 15. Salem Menthol Lights King Size Hard Pack
- 16. Pall Mall Lights Filter King Size Hard Pack
- 17. Kent De Luxe 100's Soft Pack
- 18. More Red Regular 120 mm
- 19. Salem Menthol King Size Hard Pack
- 20. State Express SSS Filter King Size Hard Pack

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What is an E-Check?  
What are my Payment options?  
What are shipping times?  
What are the shipping costs?  
Is it safe to send you my E-Check details?

**Articles**

Tobacco News (25)

**Reviews**



I bought these cigarettes because they were cheap not knowin...  
★★★★★

**Information**



Marlboro Lights  
Philipines King Size  
White Filter Hard Pack  
~~\$26.99~~  
\$22.99



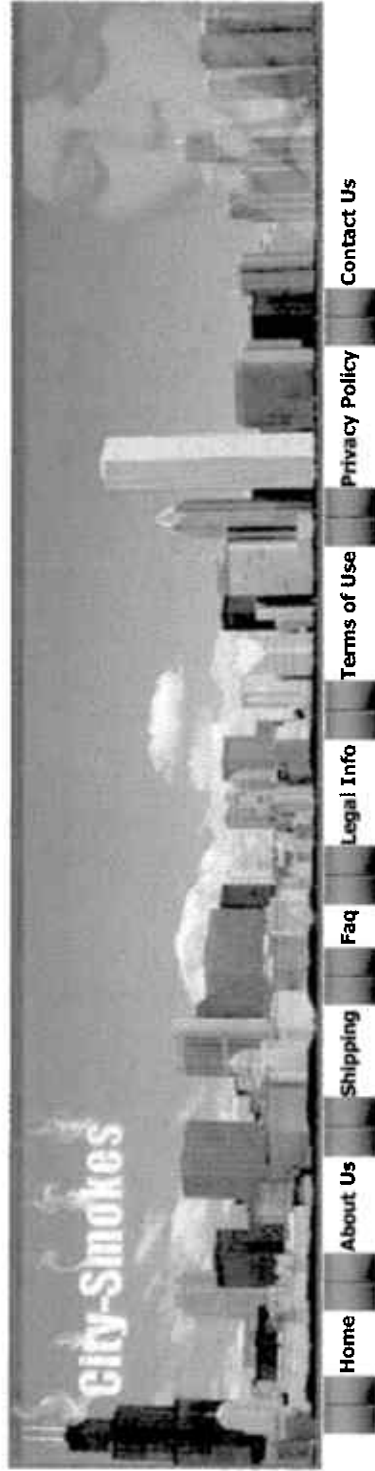
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2731241 requests since Tuesday 26 October, 2004

Our Smokes.com offers you the ability to buy all your favorite cheap cigarettes brands at a discount price. All our cheap cigarettes are of the best quality available. We do not ship low quality foreign made cigarettes as many other sites do. We do not sell cheap cigarettes to anyone below the age of 21. Thank you for choosing to buy discount cigarettes from City-Smokes.com, your discount cigarettes online store.



5-10 Business Days Express Shipping

Quick Find

keywords

OK

Advanced Search

Call to Order

678-389-9259

Categories

- Abba
- Benson & Hedges
- Business Club
- Camel
- Capri
- Craven A
- Davidoff
- Dunhill
- Gauloises
- Golden American
- Golden Gate
- Kent
- Kool
- L&M
- Lucky Strike
- Marlboro
- Mild Seven
- Monte Carlo
- More
- Pall Mall
- Prince
- Rothmans



Salem Menthol King  
Size Hard Pack  
\$27.99  
\$22.99



Marlboro Menthol Lights  
Philipines King Size  
Hard Pack  
\$22.99  
\$19.99



Marlboro Lights  
Philipines King Size  
White Filter Hard Pack  
\$26.99  
\$19.99

Shopping Cart

0 items

Bestsellers

01. Marlboro Lights Philipines King Size White Filter Hard Pack
02. Marlboro Rad Philipines King Size Hard Pack
03. Business Club Full Flavor King Box
04. Camel Regular Non-Filter Soft Pack
05. Business Club Lights King Box
06. Golden Gate Light King Size Hard Pack
07. Marlboro Rad Philipines King Size Soft Pack
08. Camel Lights King Size Hard Pack
09. Winston King Size Hard Pack
10. Kool Menthol King Size Hard Pack
11. Marlboro Menthol Lights Philipines King Size Hard Pack
12. Camel Filter King Size Hard Pack
13. Golden Gate King Size Hard Pack
14. Salem Menthol Lights King Size Hard Pack
15. Pall Mall Lights Filter King Size Hard Pack

Member Account

Email:

Password:

OK

New Account

Salem  
Silk Cut  
State Express 555  
Viceroy  
Vogue  
Winston  
Yves Saint Laurent

**Manufacturers**

Please Select

**Specials**



Business Club Lights King Box  
\$13.99  
\$13.99

**Affiliate Program**



More Red Regular  
120 mm  
\$30.99  
\$22.99



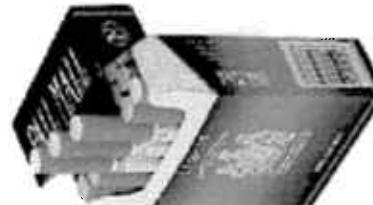
Business Club Full  
Flavor King Box  
\$13.99  
\$13.99



Marlboro Menthol Lights  
Philippines King Size  
White Filter Soft  
\$22.99  
\$19.99



Marlboro Red  
Philippines King Size  
Soft Pack  
\$22.99  
\$19.99



Pall Mall Lights Filter  
King Size Hard Pack  
\$24.99  
\$15.99

- 16. Kent De Luxe 100's Soft Pack
- 17. More Red Regular 120 mm
- 18. Salem Menthol King Size Hard Pack
- 19. Benson & Hedges Special Filter
- 20. State Express 555 Filter King Size Hard Pack

**Latest FAQs**

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What is an E-Check?  
What are my Payment options?  
What are shipping times?  
What are the shipping costs?

**Articles**

Tobacco News (25)

**Reviews**



This is the BEST deal on the Planet! The only differences be... ★★★★★

**Information**



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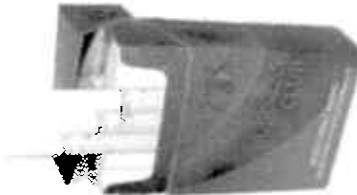




Benson & Hedges  
Special Filter  
\$28.99  
\$21.99



Camel Lights King Size  
Hard Pack  
\$28.99  
\$20.99



Business Club Lights  
King Box  
\$13.99  
\$13.99

[Home](#) | [My Account](#) | [Shopping Cart](#) | [Checkout](#) | [Special Offers](#) | [New Products](#) | [Become Affiliate](#) | [Contact Us](#)

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2830853 requests since Tuesday 26 October, 2004

All transactions in the site are SSL Secured. Buy cheap cigarettes safely. City-smokes.com offers you the ability to buy all your favorite cheap cigarettes brands at a discount price. All our cheap cigarettes are of the best quality available. We do not ship low quality Russian made cigarettes as many other sites do. We do not sell cheap cigarettes to anyone below the age of 18. Thank you for choosing to buy discount cigarettes from city-smokes.com, your discount cigarettes online store.



# **EXHIBIT K**

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ARNOLD & PORTER LLP

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Roberta L. Horton  
Roberta.Horton@aporter.com

202.942.5161  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

September 2, 2005

**VIA REGISTERED MAIL AND ELECTRONIC MAIL**

Zeev Vicman (aka Zeevos Viconos)  
Smartrade Ltd  
Polydefkous 11, Office 38D  
P.O. Box 56533  
Limassol NO CY CY 3308  
(zeevos@smartrade.info; zeevosv@yahoo.com)

**VIA FEDERAL EXPRESS**

Zeev Vicman (aka Zeevos Viconos)  
Smartrade Ltd  
Polydefkous 11, Office 38D  
Limassol NO CY CY 3308

Re: UNAUTHORIZED USE OF PHILIP MORRIS USA INC.'S  
TRADEMARKS AND UNAUTHORIZED SALE OF PHILIP MORRIS  
PRODUCTS

Dear Mr. Vicman:

We represent Philip Morris USA Inc. ("Philip Morris USA") in connection with certain trademark matters. It has come to our attention that you are operating an Internet website located at [www.city-smokes.com](http://www.city-smokes.com) through which you are offering for sale to U.S. customers, and/or facilitating the illegal importation of, Philip Morris branded cigarettes manufactured for sale outside the United States, in violation of both federal and state law. In addition, without PM USA's authorization, you use the MARLBORO® trademark in your website's metatags.

We are aware that you are offering for sale over the Internet MARLBORO® and PARLIAMENT® cigarettes. Your website clearly demonstrates your willingness to ship Philip Morris branded products into and throughout the United States.

In addition, it has come to our attention that you are affiliated with the [www.cig4u.com](http://www.cig4u.com) website, which refers potential customers to your [www.city-smokes.com](http://www.city-smokes.com)

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## ARNOLD & PORTER

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Zeev Vicman  
September 2, 2005  
Page 2

site. Thus, you also are facilitating the sale to U.S. customers of illegally imported Philip Morris branded cigarettes through the [www.cig4u.com](http://www.cig4u.com) website.

The importation and distribution of products bearing Philip Morris USA's trademarks, including, without limitation, the MARLBORO®, MARLBORO® Roof Design Label, and PARLIAMENT® trademarks, without the consent of Philip Morris USA, violates U.S. law. The Imported Cigarette Compliance Act of 2000 prohibits any importation of cigarettes bearing registered trademarks, as well as the facilitation of such activity, without the authorization of the trademark owner. Philip Morris USA has filed a declaration with the United States Customs Service ("Customs") informing Customs that Philip Morris USA does not consent to the importation of any cigarettes bearing the MARLBORO® trademark or certain other trademarks owned by Philip Morris USA. Furthermore, U.S. trademark law prohibits the importation of products not intended for sale in the United States that bear registered trademarks when such products are imported without the consent of the U.S. trademark owner. These prohibitions apply whether or not the products are originally legitimately produced. The very fact that the importation occurs outside authorized channels, that is, without the control and consent of the U.S. trademark owner, renders the activity illegal. These activities also violate state law. Additionally, sales of cigarettes that fail to certify the age of purchasers or fail to collect and/or report excise taxes may violate federal and state law.

In addition, your offering for sale and/or sale of Philip Morris branded cigarettes, including MARLBORO® and PARLIAMENT® cigarettes, on your website violates Philip Morris USA's trademark rights in its famous marks. You are no doubt aware that MARLBORO® is the most popular brand of cigarettes in the United States and worldwide. The world-famous MARLBORO® word trademark and MARLBORO® Roof Design Label trademark are registered trademarks owned by Philip Morris USA in the United States. The trademarks of the other Philip Morris brands that you are selling, such as PARLIAMENT® cigarettes, are likewise owned by Philip Morris USA in the United States and are likewise famous. Needless to say, Philip Morris USA expends vast sums and enormous efforts in the promotion of its brands and products. Philip Morris USA zealously protects these famous brands. The distribution of Philip Morris branded products outside authorized channels infringes Philip Morris USA's trademarks and causes irreparable harm to the goodwill of the trademarks and the brands they represent.

Philip Morris USA has obtained judgments against others Internet retailers who, like you, sell and/or facilitate the illegal importation of Philip Morris branded cigarettes. For example, on March 10, 2005, the United States District Court for the Southern District of New York issued a judgment and order in Philip Morris USA's favor against Otamedia

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## ARNOLD & PORTER

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Zeev Vicman  
September 2, 2005  
Page 3

(operator of [www.yesnoke.com](http://www.yesnoke.com) and [www.yessmoke.com](http://www.yessmoke.com)), awarding Philip Morris USA more than \$173 million in damages based on Otamedia's illegal advertising and sale over the Internet of illegally imported Philip Morris branded cigarettes.

Similarly, on March 9, 2004, the United States District Court for the Central District of California entered a judgment and order against the operator of certain Internet websites (including [www.discount-marlboro-cigarettes.com](http://www.discount-marlboro-cigarettes.com)) finding that the defendants' unlawful sale of Philip Morris branded cigarettes violated numerous federal and state laws, including trademark laws. The Central District Court also found the defendants liable to Philip Morris USA for an amount in excess of \$8.5 million. Copies of these judgments are enclosed.

In light of your infringing and illegal conduct, and in order that Philip Morris USA takes no further action against you, Philip Morris USA hereby demands that you immediately:

1. Cease sales and/or the facilitation of sales in the United States of any products manufactured for sale outside the United States that bear the MARLBORO® trademark, the MARLBORO® Roof Design Label trademark, the PARLIAMENT® trademark, or any other Philip Morris USA trademark;
2. Confirm that you will refrain from any such sales in the future;
3. Confirm that you will never again use the MARLBORO®, MARLBORO® Roof Design Label, or PARLIAMENT® trademarks, any mark(s) confusingly similar thereto, or any other trademark owned by Philip Morris USA without prior express permission from Philip Morris USA;
4. Remove or cause to be removed any and all references and/or links to the [www.city-smokes.com](http://www.city-smokes.com) website from the [www.cig4u.com](http://www.cig4u.com) website and any other website(s) owned, operated, and/or controlled by you, your agents, your affiliates, and/or any individuals or entities in active concert or participation with you;
5. Identify your suppliers and shippers of Philip Morris branded cigarettes by:
  - a. Identifying everyone who has ever provided Philip Morris branded cigarettes directly to you for resale;

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## ARNOLD & PORTER

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Zeev Vicman  
September 2, 2005  
Page 4

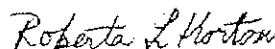
- b. Identifying everyone who has ever filled orders that you, or your customers, placed for Philip Morris branded cigarettes;
- c. Identifying everyone who has ever filled or shipped orders to your customers that your customers have placed with you for Philip Morris branded cigarettes;
- d. Providing copies of all of your communications with these suppliers and shippers, including e-mails, letters, invoices and bills; and

6. Agree to full and continued cooperation in providing additional information upon request by Philip Morris USA.

You should confirm your agreement to the resolution of this trademark matter on the above terms by signing and returning the attached copy of this letter by September 14, 2005.

Nothing in this letter should be construed as a waiver, relinquishment, or election of rights or remedies by Philip Morris USA. Philip Morris USA expressly reserves all rights and remedies under all applicable federal and state laws.

Sincerely,



Roberta L. Horton

Agreed: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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ARNOLD & PORTER LLP

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Amy B. Levin  
Amy\_Levin@aporter.com  
213.243.4084  
213.243.4199 Fax  
44th Floor  
777 South Figueroa Street  
Los Angeles, CA 90017-5844

March 1, 2006

VIA ELECTRONIC MAIL

James Parker  
(james@smartrade.info)

Re: UNAUTHORIZED USE OF PHILIP MORRIS USA INC.'S  
TRADEMARKS AND UNAUTHORIZED SALE OF PHILIP MORRIS  
PRODUCTS

Dear Mr. Parker:

We represent Philip Morris USA Inc. ("PM USA") in connection with certain trademark matters. It has come to our attention that you own, operate, and/or control the Internet website located at [www.paylessmoke.com](http://www.paylessmoke.com), through which you are offering for sale and/or facilitating the illegal importation of Philip Morris branded cigarettes manufactured and intended for sale outside the United States to consumers in the United States in violation of both U.S. federal and state law. We have also observed your unauthorized use of MARLBORO® pack and carton images and the MARLBORO® and MARLBORO® Roof Design trademarks on your website and your use of the MARLBORO® trademark in your website's metatags.

Our investigation to date has revealed that you are offering for sale over the Internet MARLBORO®, BENSON & HEDGES®, MERIT®, and PARLIAMENT® cigarettes. Your website clearly demonstrates your willingness to ship Philip Morris branded products into and throughout the United States.

The importation and distribution of products bearing Philip Morris trademarks, including but not limited to the MARLBORO® and MARLBORO® Roof Design trademarks, without the consent of PM USA violates U.S. law. The Imported Cigarette Compliance Act of 2000 prohibits any importation of cigarettes bearing registered trademarks, as well as the facilitation of such activity, without the authorization of the trademark owner. PM USA has filed a declaration with the United States Customs Service ("Customs") informing Customs that PM USA does not consent to the importation of any cigarettes bearing the MARLBORO® trademark or certain other trademarks owned by PM USA. Furthermore, U.S. trademark law prohibits the importation of products not intended for sale in the United States that bear registered trademarks when such products are imported without the consent of the U.S. trademark

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ARNOLD & PORTER LLP

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Mr. James Parker  
March 1, 2006  
Page 2

owner. These prohibitions apply whether the products are originally produced legitimately or not. The very fact that the importation occurs outside authorized channels, that is, without the control and consent of the U.S. trademark owner, renders the activity illegal. These activities also violate state law. Additionally, the sales of cigarettes that fail to certify the age of purchasers or fail to collect and/or report excise taxes may violate federal and state law.

In addition, your offer for sale and sale of Philip Morris branded cigarettes, including MARLBORO® cigarettes, on your website violates PM USA's trademark rights in its famous trademarks. You are not doubt aware that MARLBORO® is the most popular brand of cigarettes in the United States and worldwide. The world-famous MARLBORO® trademark and MARLBORO® Roof Design trademark are registered trademarks owned by PM USA in the United States. The trademarks of other Philip Morris brands that you are selling, such as BENSON & HEDGES®, MERIT®, and PARLIAMENT® cigarettes, are likewise owned by PM USA in the United States and are likewise famous. Needless to say, PM USA expends vast sums and enormous efforts in the promotion of its brands and products. PM USA zealously protects these famous brands. The distribution of Philip Morris branded products outside authorized channels infringes PM USA's trademarks and causes irreparable harm to the goodwill of the trademarks and the brands they represent.

PM USA has obtained judgments against other Internet retailers who, like you, sell and/or facilitate the illegal importation of Philip Morris branded cigarettes. For example, on March 10, 2005, the United States District Court for the Southern District of New York issued a judgment and order in PM USA's favor and against Otamedia (operator of [www.yesmoke.com](http://www.yesmoke.com) and [www.yessmoke.com](http://www.yessmoke.com)), awarding PM USA more than \$173 million in damages based on Otamedia's illegal advertising and sale over the Internet of illegally imported Philip Morris branded cigarettes. Similarly, on March 9, 2004, the United States District Court for the Central District of California entered a judgment and order against the operator of certain Internet websites (including [www.discount-marlboro-cigarettes.com](http://www.discount-marlboro-cigarettes.com)) finding that the defendants' unlawful sale of Philip Morris branded cigarettes violated numerous federal and state laws, including trademark laws. The Central District Court also found the defendants liable to PM USA for an amount in excess of \$8.5 million. Copies of these judgments are enclosed.

In light of your continued infringing and illegal conduct, and in order that PM USA takes no further action against you, PM USA hereby demands that you immediately:

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Mr. James Parker  
March 1, 2006  
Page 3

1. Cease sales in the United States of any products manufactured for sale outside the United States that bear the MARLBORO® trademark, the MARLBORO® Roof Design trademark, the BENSON & HEDGES®, MERIT®, and PARLIAMENT® trademarks, or any other PM USA trademark;
2. Confirm that you will refrain from any such sales in the future;
3. Confirm that you will never again use the MARLBORO® trademark, the MARLBORO® Roof Design trademark, the BENSON & HEDGES®, MERIT®, and PARLIAMENT® trademarks, any marks confusingly similar thereto, or any other trademark owned by PM USA without prior express permission from PM USA;
4. Remove the MARLBORO® trademark from the metatags of your website;
5. Identify your suppliers and shippers of Philip Morris branded cigarettes, by:
  - a. Identifying everyone who has ever provided Philip Morris branded cigarettes directly to you for resale;
  - b. Identifying everyone who has ever filled orders that you, or your customers, placed for Philip Morris branded cigarettes;
  - c. Identifying everyone who has ever filled or shipped orders to your customers that your customers have placed with you for Philip Morris branded cigarettes;
  - d. Providing copies of all of your communications with these suppliers and shippers, including e-mails, letters, invoices and bills; and
6. Agree to full and continued cooperation in providing additional information, upon request by PM USA.



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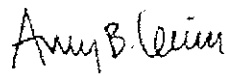
ARNOLD & PORTER LLP

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Mr. James Parker  
March 1, 2006  
Page 4

You should confirm your agreement to the resolution of this trademark matter on the above terms by signing and returning this letter no later than March 17, 2006.

Sincerely,



Amy B. Levin

By signing below, I agree to the above listed terms:

Agreed:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Enclosures

393433

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ARNOLD & PORTER LLP

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Amy B. Levin  
Amy\_Levin@aporter.com  
213.243.4084  
213.243.4199 Fax  
44th Floor  
777 South Figueroa Street  
Los Angeles, CA 90017-5844

March 13, 2006

**VIA FEDERAL EXPRESS AND ELECTRONIC MAIL**

Ivan Howard  
703 Jewell Avenue  
New York, NY 12606  
(ivan.howard@gmail.com)

Re: UNAUTHORIZED USE OF PHILIP MORRIS USA INC.'S  
TRADEMARKS AND UNAUTHORIZED SALE OF PHILIP MORRIS  
PRODUCTS

Dear Mr. Howard:

We represent Philip Morris USA Inc. ("PM USA") in connection with certain trademark matters. It has come to our attention that you own, operate, and/or control the Internet website located at [www.paylessmoke.com](http://www.paylessmoke.com), through which you are offering for sale and/or facilitating the illegal importation of Philip Morris branded cigarettes manufactured and intended for sale outside the United States to consumers in the United States in violation of both U.S. federal and state law. We have also observed your unauthorized use of MARLBORO® pack and carton images and the MARLBORO® and MARLBORO® Roof Design trademarks on your website and your use of the MARLBORO® trademark in your website's metatags.

Our investigation to date has revealed that you are offering for sale over the Internet MARLBORO®, BENSON & HEDGES®, MERIT®, and PARLIAMENT® cigarettes. Your website clearly demonstrates your willingness to ship Philip Morris branded products into and throughout the United States.

The importation and distribution of products bearing Philip Morris trademarks, including but not limited to the MARLBORO® and MARLBORO® Roof Design trademarks, without the consent of PM USA violates U.S. law. The Imported Cigarette Compliance Act of 2000 prohibits any importation of cigarettes bearing registered trademarks, as well as the facilitation of such activity, without the authorization of the trademark owner. PM USA has filed a declaration with the United States Customs Service ("Customs") informing Customs that PM USA does not consent to the importation of any cigarettes bearing the MARLBORO® trademark or certain other trademarks owned by PM USA. Furthermore, U.S. trademark law prohibits the

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ARNOLD & PORTER LLP

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Mr. Ivan Howard  
March 13, 2006  
Page 2

importation of products not intended for sale in the United States that bear registered trademarks when such products are imported without the consent of the U.S. trademark owner. These prohibitions apply whether the products are originally produced legitimately or not. The very fact that the importation occurs outside authorized channels, that is, without the control and consent of the U.S. trademark owner, renders the activity illegal. These activities also violate state law. Additionally, the sales of cigarettes that fail to certify the age of purchasers or fail to collect and/or report excise taxes may violate federal and state law.

In addition, your offer for sale and sale of Philip Morris branded cigarettes, including MARLBORO® cigarettes, on your website violates PM USA's trademark rights in its famous trademarks. You are not doubt aware that MARLBORO® is the most popular brand of cigarettes in the United States and worldwide. The world-famous MARLBORO® trademark and MARLBORO® Roof Design trademark are registered trademarks owned by PM USA in the United States. The trademarks of other Philip Morris brands that you are selling, such as BENSON & HEDGES®, MERIT®, and PARLIAMENT® cigarettes, are likewise owned by PM USA in the United States and are likewise famous. Needless to say, PM USA expends vast sums and enormous efforts in the promotion of its brands and products. PM USA zealously protects these famous brands. The distribution of Philip Morris branded products outside authorized channels infringes PM USA's trademarks and causes irreparable harm to the goodwill of the trademarks and the brands they represent.

PM USA has obtained judgments against other Internet retailers who, like you, sell and/or facilitate the illegal importation of Philip Morris branded cigarettes. For example, on March 10, 2005, the United States District Court for the Southern District of New York issued a judgment and order in PM USA's favor and against Otamedia (operator of [www.yesmoke.com](http://www.yesmoke.com) and [www.yessmoke.com](http://www.yessmoke.com)), awarding PM USA more than \$173 million in damages based on Otamedia's illegal advertising and sale over the Internet of illegally imported Philip Morris branded cigarettes. Similarly, on March 9, 2004, the United States District Court for the Central District of California entered a judgment and order against the operator of certain Internet websites (including [www.discount-marlboro-cigarettes.com](http://www.discount-marlboro-cigarettes.com)) finding that the defendants' unlawful sale of Philip Morris branded cigarettes violated numerous federal and state laws, including trademark laws. The Central District Court also found the defendants liable to PM USA for an amount in excess of \$8.5 million. Copies of these judgments are enclosed.

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ARNOLD & PORTER LLP

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Mr. Ivan Howard  
March 13, 2006  
Page 3

In light of your continued infringing and illegal conduct, and in order that PM USA takes no further action against you, PM USA hereby demands that you immediately:

1. Cease sales in the United States of any products manufactured for sale outside the United States that bear the MARLBORO® trademark, the MARLBORO® Roof Design trademark, the BENSON & HEDGES®, MERIT®, and PARLIAMENT® trademarks, or any other PM USA trademark;
2. Confirm that you will refrain from any such sales in the future;
3. Confirm that you will never again use the MARLBORO® trademark, the MARLBORO® Roof Design trademark, the BENSON & HEDGES®, MERIT®, and PARLIAMENT® trademarks, any marks confusingly similar thereto, or any other trademark owned by PM USA without prior express permission from PM USA;
4. Remove the MARLBORO® trademark from the metatags of your website;
5. Identify your suppliers and shippers of Philip Morris branded cigarettes, by:
  - a. Identifying everyone who has ever provided Philip Morris branded cigarettes directly to you for resale;
  - b. Identifying everyone who has ever filled orders that you, or your customers, placed for Philip Morris branded cigarettes;
  - c. Identifying everyone who has ever filled or shipped orders to your customers that your customers have placed with you for Philip Morris branded cigarettes;
  - d. Providing copies of all of your communications with these suppliers and shippers, including e-mails, letters, invoices and bills; and

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## ARNOLD & PORTER LLP

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Mr. Ivan Howard

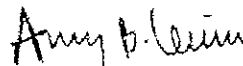
March 13, 2006

Page 4

6. Agree to full and continued cooperation in providing additional information, upon request by PM USA.

You should confirm your agreement to the resolution of this trademark matter on the above terms by signing and returning this letter no later than March 23, 2006.

Sincerely,



Amy B. Levin

By signing below, I agree to the above listed terms:

Agreed:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Enclosures

394828

# HellerEhrman<sub>LLP</sub>

May 16, 2006

Warren J. Rheume  
Warren.Rheume@hellerehrman.com  
Direct +1.206.389.4226  
Direct Fax +1.206.515.8905  
Main +1.206.447.0900  
Fax +1.206.447.0849

**BY REGISTERED MAIL  
AND ELECTRONIC MAIL (ivan.howard@gmail.com; domreg@imhosted.com)**

Ivan Howard	DNS-admin	P.O. Box 7
DNSPROTECT.COM	DNSPROTECT.COM	Embrach-Embraport
703 Jewell Ave.	104 6 <sup>th</sup> Street, Suite B	Switzerland
Schenectady, NY 12606	Lynden, Washington 98264	CH-8432

Re: UNAUTHORIZED USE OF PHILIP MORRIS USA TRADEMARKS AND  
UNAUTHORIZED SALE OF PHILIP MORRIS PRODUCTS

Dear Sir:

We represent Philip Morris USA Inc. ("Philip Morris USA") in connection with certain trademark matters. It has come to our attention that you are operating an Internet site at [www.123smoke.com](http://www.123smoke.com) through which you are offering to sell and/or facilitating the illegal importation of Philip Morris branded products manufactured for sale outside the United States to consumers in the United States in violation of U.S. law and the laws of the individual states. We have also observed your unauthorized use of Marlboro® pack images on your website and your use of the Marlboro® trademark in your website's metatags.

Our investigation to date has revealed that you are offering for sale over the Internet Marlboro® and Benson & Hedges® cigarettes. Your website clearly demonstrates your willingness to ship Philip Morris branded products into and throughout the United States.

The importation and distribution of products bearing Philip Morris trademarks, including the Marlboro® trademark and Marlboro Roof Design Label® trademark, without the consent of Philip Morris USA violates U.S. law. The Imported Cigarette Compliance Act of 2000 prohibits any importation of cigarettes bearing registered trademarks, as well as the facilitation of such activity, without the authorization of the trademark owner. Philip Morris USA has filed a declaration with the United States Customs Service ("Customs") informing Customs that Philip Morris USA does not consent to the importation of any cigarettes bearing the Marlboro® trademark or certain other trademarks owned by Philip Morris USA. Furthermore, U.S. trademark law prohibits the importation of products not intended for sale in the United States that bear registered trademarks when such products are imported without the consent of the U.S. trademark owner. These prohibitions apply whether the products are originally produced legitimately or not. The very fact that the importation occurs outside authorized channels, that is, without the control and consent of the U.S. trademark owner, renders the activity illegal. These activities also violate state law. Additionally, sales of

HellerEhrman<sup>LLP</sup>

123smoke.com  
May 16, 2006  
Page 2

cigarettes that fail to certify the age of purchasers or fail to collect and/or report excise taxes may violate federal and state law.

In addition, your offer to sell and sale of Philip Morris branded cigarettes, including Marlboro® cigarettes, on your website violates Philip Morris USA's trademark rights in its famous trademarks. You are no doubt aware that Marlboro® is the most popular brand of cigarettes in the United States and worldwide. The world-famous Marlboro® trademark and Marlboro Roof Design Label® trademark are registered trademarks owned by Philip Morris USA in the United States. The trademarks of the other Philip Morris Brands that you are selling, such as Benson & Hedges® cigarettes, are likewise owned by Philip Morris USA in the United States and are likewise famous. Needless to say, Philip Morris USA expends vast sums and enormous efforts in the promotion of its brands and products. Philip Morris USA zealously protects these famous brands. The distribution of Philip Morris branded products outside authorized channels infringes Philip Morris USA's trademarks and causes irreparable harm to the goodwill of the trademarks and the brands they represent.

Philip Morris USA has obtained judgments against others Internet retailers who, like you, sell and/or facilitate the illegal importation of Philip Morris branded cigarettes. For example, on March 10, 2005 the United States District Court for the Southern District of New York issued a judgment and order in Philip Morris USA's favor and against Otamedia (operator of [www.yesmoke.com](http://www.yesmoke.com) and [www.yessmoke.com](http://www.yessmoke.com)), awarding Philip Morris USA more than \$173 million in damages based on Otamedia's illegal advertising and sale over the Internet of illegally imported Philip Morris branded cigarettes. Similarly, on March 9, 2004, the United States District Court for the Central District of California entered a judgment and order against the operator of certain Internet websites (including [www.discount-marlboro-cigarettes.com](http://www.discount-marlboro-cigarettes.com)) finding that the defendants' unlawful sale of Philip Morris branded cigarettes violated numerous federal and state laws, including trademark laws. The Central District Court also found the defendants liable to Philip Morris USA for an amount in excess of \$8.5 million. Copies of these judgments are enclosed.

In light of your continued infringing and illegal conduct, and in order that Philip Morris USA take no further action against you, Philip Morris USA hereby demands that you immediately:

1. Cease sales in the United States of any products manufactured for sale outside the United States that bear the Marlboro® trademark, the Marlboro Roof Design Label® trademark, and the Benson & Hedges® trademark, or any other Philip Morris USA trademark;
2. Confirm that you will refrain from any such sales in the future;
3. Confirm that you will never again use the Marlboro® trademark, the Marlboro Roof Design Label® trademark, any mark confusingly similar to the Marlboro® trademark the Marlboro Roof Design Label® trademark, and the Benson & Hedges® trademarks, or any other trademark owned by Philip Morris USA without prior express permission from Philip Morris USA;
4. Remove the Marlboro® trademark from the metatags of your website;

HellerEhrman LLP

123smoke.com  
May 16, 2006  
Page 3

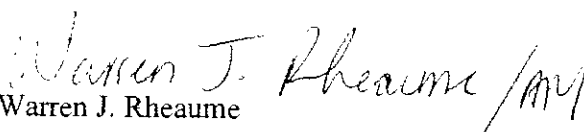
5. Identify your suppliers and shippers of Philip Morris branded cigarettes, by:

- a. Identifying everyone who has ever provided Philip Morris branded cigarettes directly to you for resale;
- b. Identifying everyone who has ever filled orders that you, or your customers, placed for Philip Morris branded cigarettes;
- c. Identifying everyone who has ever filled or shipped orders to your customers that your customers have placed with you for Philip Morris branded cigarettes;
- d. Providing copies of all of your communications with these suppliers and shippers, including e-mails, letters, invoices and bills; and

6. Agree to full and continued cooperation in providing additional information, upon request by Philip Morris USA.

You should confirm your agreement to the resolution of this trademark matter on the above terms by signing and returning the attached copy of this letter by May 30, 2006.

Sincerely,

  
Warren J. Rheume

Enclosures

By signing below, I agree to the above listed terms:

Agreed: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Website Domain Name

\_\_\_\_\_  
Date